Gary A. Beaudry & Paul J. Maddon

Serial No.: 08/485,163 Filed

June 7, 1995

Page 2 of 3

Applicants filed an Information Disclosure Statement including a Form PTO-1449 on May 29, 1997 in connection with the aboveidentified application. The Information Disclosure Statement disclosed Allaway, G.P. et al. (1993) Synergistic inhibition of HIV-1 envelope-mediated cell fusion by CD4-based molecules in combination with antibodies to gpl20 or gp41. AIDS Res. Hum. Retroviruses Volume 9, no. 7, pages 581-587 ("Allaway '93") and Allaway, G.P. et al. (1995) Expression and characterization of CD4-IgG2, a novel heterotetramer that neutralizes primary HIV type 1 isolates. AIDS Res. Hum. Retroviruses Volume 11, no. 5, pages 533-539 ("Allaway '95"). The Form PTO-1449 listed Allaway '93 on page 6 of 7 and listed Allaway '95 on page 7 of 7. While the listing of the citation for Allaway '95 was correct on the form PTO-1449, the listing of the citation for Allaway '93 contained a typographical error.

Applicants received an initialed copy of page 6 of 7 of the Form PTO-1449 that listed Allaway '93 indicating that the Examiner had considered Allaway '93. Applicants did not receive an initialed copy (or any copy) of page 7 of 7 of the Form PTO-1449 that listed Allaway '95 with the Office Action mailed August 15, 1997. A copy of the initialed page 6 of 7 of the Form PTO-1449 that lists Allaway '93 is attached hereto as **Exhibit A**. A copy of page 7 of 7 of the Form PTO-1449 that listed Allaway '95 is attached hereto as Exhibit B. Applicants note that the copy of page 7 of 7 of the Form PTO-1449 (Exhibit B) was not returned to applicants but was obtained from the Image File Wrapper of the subject application. Applicants have now noted that the Examiner initialed Allaway '95 but then struck Allaway '95 from page 7 of 7 of the Form PTO-1449 and added the notation "Duplicate." For completeness of the record, Applicants respectfully request that the Examiner to confirm consideration of Allaway '93 and Allaway '95 by initialing the Form PTO-1449 attached hereto as Exhibit C and returning same to applicants.

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If a telephone interview would be of assistance in advancing consideration of this Communication, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

No fee is deemed necessary in connection with the filing of this Communication. However, if any fee is required authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,

Registration No. 28,678

Cooper & Dunham LLP

Attorneys for Applicants

New York, New York 10036

1185 Avenue of the Americas

John Py White

(212) 278-0400

I hereby certify that this correspondence is being transmitted on this date by facsimile to:

Central Patont Fax No. (571) 273-8300

And is addressed to:

Mail Stop Issue Fee Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

n P. White

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## EXHIBIT A

Apr-11-06 Sheet 6 of 7 Form PTO-1449 **U.S. Department of Commerce** Atty. Docket N. Serial No. 37690-II-C/ 08/485,163 Patent and Trademark Office JPW/AKC INFORMATION DISCLOSURE CITATION Applicant (Use several sheets if necessary) Gary Beaudry and Paul J. Maddon Filing Date Group June 7, 1995 1812 **U.S. PATENT DOCUMENTS** Document Number Date Class Examiner Subclass Name Filing Dat Initial if Appropriate FOREIGN PATENT DOCUMENTS **Document Number** Date Country Class Subclass Translation Yes No OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) Zettmeissl, G. et al. (1990) Expression and Characterization of Human CD4: Immuno-WS globin Fusion Proteins, DNA and Cell Biology, Volume 9, No. 5: 347-353 Allaway, Graham P. et al. (1993) Synergistic Inhibition of HIV-1 Envelope-Mediated Cell KB. Fusion by CD4-Based Molecules in Combination with Anibodies to gp120 or gp41, AIDS Research and Human Retroviruses, Volume 11, No. 5, 533-539

Applicants: Gary A. Beaudry et al.

Serial No.: 08/485,163 Filed: June 7, 1995

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609: Draw line through citation if not in conformance

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and not considered. Include copy of this form with next communication to applicant.

## EXHIBIT B

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## EXHIBIT C

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